



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Loewenstein
Serial No. : 10/015,314
Filed : 12/11/01
Title : POKER GAME
Examiner : Rada
Art Unit : 3714

AMENDMENT AND RESPONSE

This document is responsive to the Examiner's August 9, 2004 Office Action. Claims 1-14, 16-19, 23 and 24 are pending.

In that Office Action, the Examiner made the following rejections:

- (1) Claim 24 was rejected under 35 U.S.C. § 112;
- (2) Claims 1-9 and 17-19 were rejected under section 112 because "no program or any relation to a video poker appears to be in the body of the claim, which leads to wonder if applicant is claiming an apparatus or method."
- (3) Claims 1-6, 8-12, 14, 17-19 and 23-24 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Woods '587 and Marks '260;
- (4) Claim 7 and 13 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Woods '587, Marks '260 and Garrod '373; and
- (5) Claim 16 was rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Woods '587, Marks '260 and Wachtler '208.

For reasons explained in more detail below, that are supported by the declaration of Tony Celona, an expert in the video gaming field with years of experience, Applicant respectfully believes the Examiner's rejections are not well taken.